

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

KEVIN RICHARD DENNIS,

Defendant.

21-CR-142 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge:

On September 12, 2022, defendant was sentenced principally to a term of imprisonment of 60 months for a violation of 18 U.S.C. § 924(c)(1)(A)(i).

On December 19, 2023, defendant filed a motion requesting that the Court reduce his sentence pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023, and applies retroactively.

The Court has determined that defendant is not eligible for a sentence reduction. Defendant is precluded from the status points reduction in Amendment 821 because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. *See U.S.S.G. § 4A1.1.* In addition, though defendant had zero criminal history points, Amendment 821 precludes the zero-point offender reduction for defendants convicted under 18 U.S.C. § 924(c)(1)(A)(i), which prohibits the possession of a firearm in connection with a drug trafficking crime. *See U.S.S.G. § 4C1.1(a)(7).*

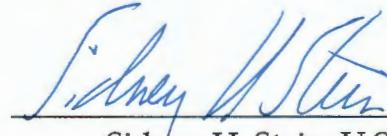
Accordingly, defendant's motion is hereby DENIED.

The Clerk of Court is directed to mail a copy of this Order to Kevin R. Dennis (#21720-509), USP Lewisburg, U.S. Penitentiary, Satellite Camp, P.O. Box 2000, Lewisburg, PA 17837.

Dated: New York, New York

January 31, 2024

SO ORDERED:



Sidney H. Stein, U.S.D.J.